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C O N F I D E N T I A L SECTION 01 OF 02 BUCHAREST 000540

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STATE FOR EUR/NCE FOR AARON JENSEN

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TAGS: [PGOV](#) [PREL](#) [RO](#)

SUBJECT: REFERENDUM POLITICS: BY FAIR MEANS OR FOUL

Classified By: DCM Mark Taplin for reasons 1.4 (b) and (d)

¶1. (C) Summary: A national referendum will be held May 19 to decide whether President Basescu will be returned to office or permanently removed. Despite Prime Minister Tariceanu's pledges to conduct a clean referendum in accordance with existing legislation, he and other opponents of Basescu have taken steps to stack the deck against him, including a recent law which lowers the threshold of votes necessary to dismiss him. Over the weekend, the Prime Minister himself finally went on record calling for his Liberal Party faithful to turn out and vote "yes" to getting rid of Basescu. Other political gambits include giving Basescu the status of an "independent" candidate, which has the effect of limiting Basescu's direct access to public TV and radio and opening the door to charges he has "misused" fund from the two parties that back him, the PD and PLD. Some Romanian Orthodox Church leaders expressed concern recently that Parliament is attempting to subvert the will of the people by intending to keep Basescu on suspension; some leading NGOs have expressed concern about the voting process. In short, the stakes are high for the vote next weekend, and so are emotions in the political class. One illustration of how far the leading actors are willing to go to is that Geoana's PSD has dropped any pretense of keeping a distance from the nationalist-extremist PRM, and is now engaged in joint anti-Basescu campaign rallies organized by Vadim Tudor's party. The rhetoric on both sides has reached a new low as well, with a leading PSD strategist denouncing Basescu as a drunkard and the President himself promising to unseat in early elections the offending 322 parliamentarians who voted for his suspension. End Summary.

Third Time the Charm?

¶2. (C) The Constitutional Court has twice rejected attempts by parliament to amend the referendum law in order to relax the conditions under which a president may be dismissed. Yet the third time may have been the charm. On May 3, the Court issued a preliminary decision over the constitutionality of these bills, covering the questions of: (1) Under what circumstances is a referendum for dismissal of the president valid? and (2) What is the number of votes necessary to dismiss a president? In the end, the court determined that the president could be dismissed with a simple majority of cast votes, rather than the previous constitutional requirement of a majority of all registered voters. Per the court, this would apply to both the number of voters needed to ensure the validity of the vote and the number of votes necessary to dismiss. The court has also ruled that the new law should apply to this referendum.

¶3. (C) Other recent decisions also seem to tilt the playing board against Basescu. The parliament determined that Basescu could only have direct access to the public

airwaves on a basis proportional to how the political parties are represented in Parliament, and that he is barred from using the time allotted to the Democratic Party (PD) or the Liberal Democratic Party (PLD). Thus, despite the fact that he is himself the subject of the referendum, he will have no direct access on the national state TV and radio outlets -- a factor which will hurt him especially in rural communities. This--coupled with the oligarchs' control of the private networks--has impacted his ability to get his message out on the airwaves. Instead, he has had to emphasize direct campaign appearances in the countryside, the use of posters and handbills, and reliance on print media, which is generally more diverse.

14. (C) The referendum campaign heated up significantly during the past week. Pro-Basescu rallies have taken place in 14 cities abroad, including in Toronto, Montreal, Paris, London, Dublin, Hamburg, Munich, Rome, and Brussels. Within Romania, large pro-Basescu rallies took place in Cluj, Constanta, and on May 11 in Craiova, with an estimated 30,000 faithful, along with a demonstration in Iasi on May 13, which drew some 25,000 participants. Geoana's rival rally in Iasi this past weekend drew some 6-8,000 participants. Interestingly, Geoana has jointly organized his anti-Basescu rallies in Iasi and Sibiu with Vadim Tudor's extremist PRM, a step Geoana probably would have preferred not to take had his position been stronger.

15. (C) Pan-European political parties outside Romania are also being drawn into the contest. The European People's Party (EPP) President Wilfried Martens gave his support to Basescu and said he expects him to win the Referendum. Moreover, European parliamentarian Markus Ferber has sent a letter to European Commission deputy President Frattini that the UDMR should be expelled from the EPP because it voted against

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a sister party when it voted for Basescu's suspension. The Party of European Socialists (PES) has come out in support of the PSD and PNL, which seek to impeach Basescu.

16. (C) The Romanian Orthodox Church has also been drawn into the referendum battle. In an appeal to the Constitutional Court, the Metropolitan of Cluj (along with seven other Orthodox priests) condemned Parliament's action in passing laws that facilitate extending Basescu's suspension if the referendum is declared "invalid" (e.g., if voter turnout falls below 50 percent). The appeal also objected to the fact that the parliament had arrogated to itself the right to decide against the President even if a majority of Romanians vote against the suspension. The Cluj Metropolitan warned that Romania would be "returning to the practices of a totalitarian regime" and the continued suspension would be "politically immoral."

17. (C) Some Romanian NGO's and the pro-Basescu PD have expressed concerns about the integrity of the voting process. These include questions about the ambiguous way in which the ballot is phrased, deliberate campaign practices of the anti-Basescu forces to confuse voters over the significance of a "yes" or "no" response to the referendum question, and the degree to which the government is determined to prevent voter fraud. The Saturday (vice Sunday) date of the referendum is unprecedented in post-1989 Romanian elections, and may have been intended as a way to reduce voter turnout. Others have specifically raised concerns about multiple voting by "flying voters". (note: this is not an unreasonable concern given the history of significant irregularities in the first round of the 2004 presidential elections.) The integrity of the vote count is also worrisome, as PD contacts say that they will be outnumbered by other party representatives in the polling places. NGOs have also expressed concerns about the adequacy and organization of voting procedures for the two million Romanian citizens residing abroad. The Pro Democracy NGO told us that observing the referendum abroad will be "almost

impossible", and is thus a tempting target for vote fraud.

18. (C) Comment: Over the past week, the anti-Basescu forces have begun to deploy their big guns in the campaign effort. PM Tariceanu has publicly alleged that Basescu is guilty of links with the communist-era Securitate, and has called for the public not to return him to office. Now that Basescu has publicly labeled former President Iliescu in his list of "oligarchs," Iliescu has gone public with ferocious criticism of the Romanian president. The PSD's open embrace of the PRM as a partner in jointly organizing campaign rallies is disturbing, since it lends credence to the extreme right. In contrast, right nationalist PNG President Gigi Becali is now calling for Basescu's retention as President. If the latest polls are right, Basescu has opened up a commanding lead, with up to seventy percent of Romanians likely to vote in Saturday's referendum indicating that they would back him. Yet there will be more twists and turns in this saga before it is over, and with the stakes so high, it is difficult to believe that everyone will play by the rules. End Comment.  
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